

## EXHIBIT 3

### DOH Declaration of Conditions Dangerous to Life and Health

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

DECLARATION

Certain Hazardous Waste Sites Located in the  
Town of Queensbury, Warren County

I, David Axelrod, M.D., Commissioner of Health for the State of New York, pursuant to the authority of Section 1389-b of the Public Health Law of the State of New York, have assessed the potential effects of the inactive hazardous waste disposal sites hereinafter set forth on the public health, and make the following findings and conclusions.

One or more of the following conditions has been found to exist in each of the sites hereinafter set forth and, alone or in combination, constitute a clear and present danger to life and health to those living or working on those sites.

1. Capacitor paper, impregnated with polychlorinated biphenyls (PCBs) is visibly present in the soils and on the surface of the property.
2. The presence of strong odors characteristic of these and similar compounds, within and without the homes, indicate significant quantities of the PCB substances in the vapor phase.
3. The measurement of air samples for PCB substances, taken both inside and outside of the homes located on the property demonstrate the presence of vapors of PCB substances. Such vapor concentrations were detected to the extent of 19,400 nanograms per cubic meter.

- 2 -

4. Sampling of soil and of oily substances which are present on the surface show that said materials are contaminated with PCBs. PCBs were present in the range of 4,000 to 5,000 parts per million in certain of the soil samples.
5. The exposure to polychlorinated biphenyls in the air and soil near residences in the quantities found at these sites is a condition endangering the life and health of those living nearby. The relationship of the occurrence of skin lesions, including chloracne, and chemical abnormalities to PCBs has been established in the workplace. Toxicity data obtained from animal studies with certain commercial PCB preparations demonstrate an association between PCB exposure and serious chronic and subchronic toxicities, including adverse reproductive effects, fetotoxicity, tumor production and possible carcinogenicity, as well as effects on numerous biochemical systems. Although the data do not fully resolve important questions as to the carcinogenicity of PCBs, they lead to the conclusion that human exposure should be reduced and that conditions found at these sites constitute a condition dangerous to life and health.

I NOW DECLARE, based upon these findings and conclusions that there exists a condition dangerous to life and health resulting from the inactive hazardous waste sites containing said PCB substances at the following locations within the Town of Queensbury.

- 3 -

1. That property which is owned or occupied by Virginia Grovenburg and Earl Wilson, as recorded in a deed located in Liber. 358 of Deeds, at page 261, in the Office of the Warren County Clerk.
2. That property owned or occupied by Richard Hack and Mabel Hack, as described in a deed recorded at Liber. 535 of Deeds, page 194, in the Office of the Warren County Clerk.
3. That property owned or occupied by Robert Rowe and Dorothy Rowe, as described in a deed located at Liber. 418 of Deeds, page 20, with the Warren County Clerk.
4. That property owned or occupied by William A. Smith and Dale Smith, which is described in deeds recorded with the Warren County Clerk in Liber. 540 of Deeds at pages 311 and 313.
5. That property owned or occupied by Rae Clarke as described in a deed recorded with the Warren County Clerk in Liber. 611 of Deeds, page 13.
6. That property owned or occupied by George Durett, Jr. and Joan Durett, as described in deed recorded with the Warren County Clerk in Liber. 583 of Deeds, page 530.

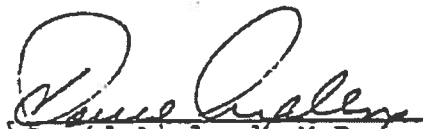
I find further that the aforesaid inactive waste sites contain the substance polychlorinated biphenyl waste and soils contaminated with such waste in such quantities to

- 4 -

be of significant threat to life and health to those persons on or around the areas of the inactive waste sites, and that after reasonable attempts to do so, I am either unable to determine with any degree of certainty the person and/or persons responsible or to locate such a person who may be responsible for the disposal of the aforesaid hazardous waste and soils;.

THEREFORE, pursuant to Section 1389b(5)(b) of the Public Health Law, that the Department of Environmental Conservation may develop and implement, or cause to be developed and implemented an inactive hazardous waste disposal site remedial plan subject to my approval.

This declaration shall remain in full force and effect until withdrawn by me.

  
David Axelrod, M.D.  
Commissioner of Health

- 5 -

TO: Virginia Grovenberg  
and Earl Wilson  
c/o Virginia Grovenberg  
Indiana Avenue  
R.D. #3  
Glens Falls, NY 12801

Richard and Mabel Hack  
c/o Clarence Roe  
43 Mariaville Road  
Schenectady, NY 12306

Robert and Dorothy Rowe  
R.D. 2  
West Mountain Road  
Glens Falls, NY 12801

William and Dale Smith  
R.D. #3  
Rhode Island Avenue  
Glens Falls, NY 12801

Rae E. Clarke  
Luzerne Road & Indiana Avenue  
Glens Falls, NY 12801

George and Joan Durett  
106 Fourth Street Extension  
Glens Falls, NY 12801

Robert Flacke  
Commissioner  
Department of Environmental Conservation  
50 Wolf Road  
Albany, New York

Sterling Goodspeed  
Warren County Municipal Center  
Route 9  
Town of Queensbury  
Lake George, NY 12845

Michael R. Brandt  
Town of Queensbury Office Building  
Bay at Haviland Road  
R.F.D. #1  
Glens Falls, NY 12801

Edward M. Bartholomew  
Mayor - City of Glens Falls  
42 Rich Street  
Glens Falls, NY 12801